IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Appeal No.192-SB of 2000.
Date of Decision : 10.11.2010.

Piara Singh

.....Appellant

Versus

State of Punjab .....Respondent

CORAM : HON'BLE MR. JUSTICE NAWAB SINGH

Present: None for the appellant.

Mrs. Rajni Gupta, Addl. AG, Punjab
for the respondent-State.

NAWAB SINGH J.(ORAL)

This appeal is directed against the judgment of conviction and order of sentence dated January 9th, 2001 passed by Special Court, Mansa, whereby, the appellant was convicted under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo imprisonment for 10 years and to pay fine of Rs.1 lac with default stipulation.

2. In brief, the allegations against the appellant are that he was found in possession of 35 kg of poppy husk.

3. Since no one has appeared on behalf of the appellant, this Court with the assistance of learned State counsel has perused the record.

4. Prosecution have successfully proved their case against the accused by examining Jagrup Singh (PW-1), Karam

Singh (PW-2), Gursewak Singh (PW-3) and Santokh Singh (PW-4). From the evidence of prosecution, it is proved that on September 6th, 1996 in the area of village Bhikhi, the appellant was found in possession of 35 kg of poppy husk

5. Learned State counsel has stated that the recovery of 35 kg of poppy husk comes under the category of non-commercial quantity for which the sentence is provided under Section 15(b) of

the Act. The appellant has remained in judicial custody during trial and after conviction for a period of more than 1 year and 6 months.

6. Keeping in view the quantity of the poppy husk —35 kg, this Court is of the opinion that the ends of justice shall be met squarely, if he is sentenced for the period already undergone by him. The conviction of appellant is upheld. However, the sentence is reduced to the term already undergone. The sentence of fine is also reduced to Rs.10,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 2 months.

7. The appeal is accepted partly as indicated above.

(NAWAB SINGH)
JUDGE

10.11.2010.
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